

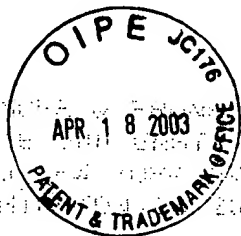
3/5/97
08/716,249



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/716,249	03/05/97	JOHN L. BISHOP	08/716-249



18M / 0305

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED:

13/10/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

9W 3-12-97
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MAR 11 / 1997

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WASHINGTON, D.C.

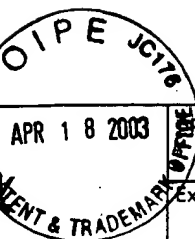
*Dkt'd due 4/4/97 w/Rmr
& Final Rep due 8/4/97 w/Rmr*

SPENCER, & FRANK

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Office Action Summary

APR 18 2003



Application No.

08/716,249

Applicant(s)

Guichard, et al.

Examiner

Brett L Nelson

Group Art Unit

1813

☒ Responsive to communication(s) filed on Oct 4, 1996☐ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 30 days month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims☒ Claim(s) 1-17 is/are pending in the application.

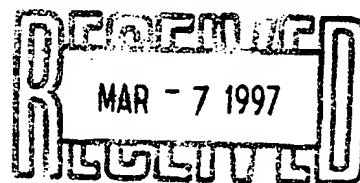
Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.☐ Claim(s) _____ is/are rejected.☐ Claim(s) _____ is/are objected to.☒ Claims 1-17 are subject to restriction or election requirement.**Application Papers**☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on _____ is/are objected to by the Examiner.☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been☐ received.☐ received in Application No. (Series Code/Serial Number) _____.☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☐ Notice of References Cited, PTO-892☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____☐ Interview Summary, PTO-413☐ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

SPENCER, & FRANK



WASHINGTON, D.C.

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---



1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-3, 13, 15, and 16, drawn to a pharmaceutical composition and a method of treatment or prevention of a disease employing a immunoretroid.

Group II, claims 1, 4, 5, 17, drawn to antibodies, a pharmaceutical composition, and a method of treatment or prevention of a disease employing an antibody.

Group III, claims 6 and 14, drawn to anti-idiotypes, and a pharmaceutical composition employing an anti-idiotype.

Group IV, claim 7, drawn to an antigen-antibody complex.

Group V, claims 8 and 9, drawn to an immunoretroid complex.

Group VI, claims 10 and 12, drawn to a kit and a method for *in vitro* disease diagnosis employing an immunoretroid.

Group VII, claim 11, drawn to a method for *in vitro* disease diagnosis employing antibodies.

2. The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the claims of Groups I and II are drawn to different

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patentably distinct products and corresponding methods of use, the claims of Groups II, IV, and V are drawn to different patentably distinct products which also differ from the product of Group I, and the claims of Groups VI and VII are drawn to different *in vitro* methods, which employ the use of different products, and are patentably distinct from the *in vivo* method of Group I.

3. A telephone call was made to Frederick Calvetti on Feb. 25, 1997 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

5. Papers related to this application may be submitted to Group 180 by facsimile transmission. Papers should be faxed to Examiner Brett Nelson, Art Unit 1813 and should be marked "OFFICIAL" for entry into prosecution history or "DRAFT" for consideration by the examiner without entry. The Art Unit 1813 FAX telephone number is (703)-305-7939. FAX machines will be available to receive transmissions 24 hours a day. In compliance with 1096 OG 30, the filing date accorded to each OFFICIAL fax transmission will be determined by the FAX machine's stamped date found on the last page of the transmission, unless that date is a Saturday, Sunday or Federal Holiday with the District of Columbia, in which case the OFFICIAL date of receipt will be the next business day.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Brett Nelson whose telephone number is (703) 306-3219.

If the examiner can not be reached, inquiries can be directed to Primary Examiner Lynette Smith whose telephone number is (703) 308-3909 or Supervisory Patent Examiner Christine Nucker whose telephone number is (703) 308-4028.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

NELSON/bn 
February 28, 1997


CHRISTINE M. NUCKER
SUPERVISORY PATENT EXAM
GROUP 180

Interview Summary

APR 18 2003

Application No.

08/716,249

Applicant(s)

Guochard, et al.

Examiner

Brett L Nelson

Group Art Unit

1813

All participants (applicant, applicant's representative, PTO personnel):

(1) Brett L Nelson

(3) _____

(2) Frederick F. Calvetti

(4) _____

Date of Interview Mar 13, 1997

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☒ was reached. ☐ was not reached.

Claim(s) discussed: all pending

Identification of prior art discussed:

-N/A-

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Attorney asked to discuss the Restriction Requirement mailed 3/5/97. An agreement was reached that if all non-elected claims were canceled, then claim 7 (drawn to an antigen-antibody complex), claim 10 (drawn to a detection method), and claim 12 (drawn to a kit) could be rejoined into one group. The attorney agreed to split claim 7 into two claims, keep claims 10 and 12, and write two claims which depend from 10 and two claims which depend from claim 12.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.